

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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Polina Baratova,

Plaintiff,

Case No.: 22-cv-02898-NM-RER

- against -

Sophia Collier,

**AFFIDAVIT OF
POLINA BARATOVA**

Defendant.
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I, Polina Baratova, declare pursuant to 28 U.S.C. § 1746, that:

1. I am the Plaintiff in the above-captioned action, and I am familiar with the facts and circumstances discussed herein based upon personal knowledge.

2. I make this declaration in support of Plaintiff's motion for default judgment against Defendant Sophia Colier ("Defendant"), pursuant to Federal Rule of Civil Procedure ("Fed.R.Civ.P.") 55(b) (the "Motion for Default").

3. Defendant is an individual engaging (or who was engaged) in business within this judicial district during the relevant time period.

4. I was employed as a home health aide for Defendant from on or around March 2016 through and May 2021.

5. Defendant had the power to hire and fire me, control the terms and conditions of my employment, and determine the rate and method of my compensation.

6. Upon information and belief, Defendant is not an incompetent person nor infant nor in the military service of the United States.

7. My duties required neither discretion nor independent judgment.

8. My work responsibilities involved providing direct support to an elderly patient, assisting with administering medication, assisting with the maintenance of good personal hygiene, cooking and cleaning, assisting with daily household tasks, accompanying the patient to appointments, accompanying the patient to errands, answering and returning phone calls, tending to emergencies and being “on call” as-needed.

9. I regularly worked in excess of forty (40) hours per week. From approximately March 2016 through and including March 2020, I generally worked the following schedule: 7:00 a.m. to 9:00 p.m. (i.e., 14 hours per day), five (5) days per week, for a total period of approximately 70 hours during each of the weeks, respectively.

10. From approximately April 2020 through and including May 2021, I generally worked the following schedule: 7:00 a.m. to 9:00 p.m. (i.e., 14 hours per day), seven (7) days per week, for a total period of approximately 98 hours during each of the weeks, respectively.

11. During these periods, I was required to address emergent issues in the early hours of the morning, every other night.

12. From approximately March 2016 through and including May 2021, Defendant paid me a flat salary of \$350 per day.

13. My wages did not vary regardless of how many hours I worked.

14. I was not required to keep track of my time, nor to my knowledge, did the Defendant utilize any time tracking device, such as sign in sheets or punch cards, that accurately reflected my actual hours worked.

15. I was never provided with any document that reflected the hours I worked (either daily, weekly, or by any other measure), my hourly rate of pay, overtime, or any other record or report regarding my pay, hours worked, or any deductions or credits taken against my wages.

16. Throughout my employment with Defendant, I was never provided with written information regarding minimum wage and overtime requirements under New York State or Federal laws.

17. I never received overtime pay (at time and a half) for hours worked in excess of forty (40) hours per week.

18. I was never paid an additional hour of pay or any kind of extra pay when I worked over ten (10) hours in a single day.

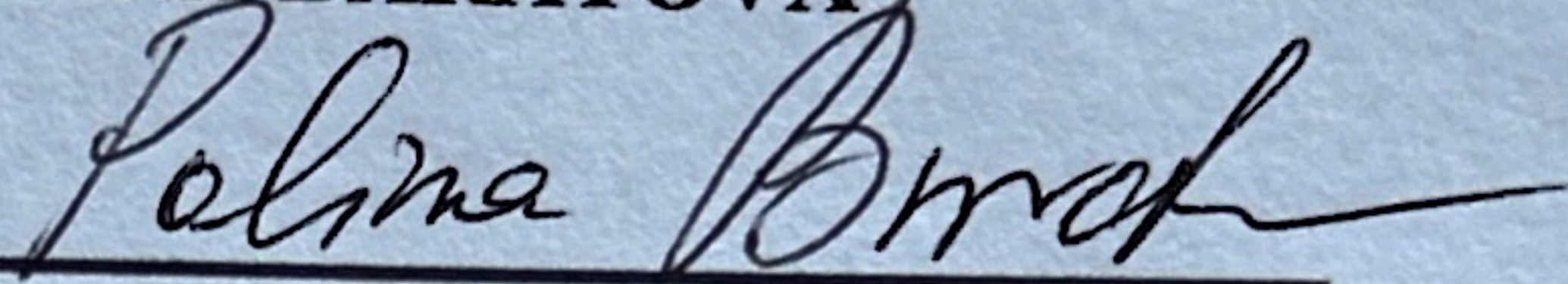
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VERIFICATION

I, Polina Baratova, verify under penalty of perjury under the laws of the United States of America and New York that the foregoing facts and statements are true and correct to the best of my knowledge.

Dated: New York, New York
October 28, 2022

POLINA BARATOVA



Polina Baratova



Notary Public

Jason Mizrahi
Notary Public, State of New York
Registration #02MI6434172
Qualified in New York County
Commission Expires May 31, 2026